UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: CYRUS II, LP BAHAR DEVELOPMENT, INC. MONDONA RAFIZADEH, Debtors	*	CASE NO. 05-39857-H1-7 (Jointly Administered) Chapter 7
RODNEY D. TOW, AS THE CHAPTER 7 TRUSTEE FOR CYRUS II, L.P., BAHAR DEVELOPMENT, INC. AND MONDONA RAFIZADEH, ET AL. Plaintiffs	*	
V. SCHUMANN RAFIZADEH, ET AL. Defendants	*	ADVERSARY PROCEEDING NO. 07-03301

RESPONSE OF MAIN & MARIETTA, L.P. AND RODNEY HUGHES TO TRUSTEE'S MOTION FOR ENTRY OF ORDER COMPELLING TURNOVER OF RECORDS

**TO: THE HONORABLE MARVIN ISGUR
UNITED STATES BANKRUPTCY JUDGE:**

Main & Marietta, L.P. ("Main & Marietta") and Roderick Hughes ("Hughes") responds to the Trustee's Motion for Entry of Order Compelling Turnover of Records as follows:

1. On August 8, 2007, Mr. Tim Wentworth, representing the Trustee, contacted Rodrick Hughes about inspecting boxes of documents stored at the premises at 806 Main Street, Houston, Texas. Mr. Hughes was told by Mr. Wentworth that the boxes belonged to the Debtors. Mr. Hughes has learned that there are a dozen or more boxes of documents and some

file cabinets which have been stored, without authorization, on the 21st Floor of 806 Main, which is otherwise vacant, not air conditioned and full of trash.

2. Counsel for Mr. Hughes and Main & Marietta advised Mr. Wentworth by telephone that we did not know who the owners of the documents were, among other concerns expressed in that email, dated August 21, 2007, from counsel to Joe Hill, counsel for the Trustee, attached as Exhibit "A."

3. Since expressing these concerns, counsel for the Trustee has obtained the consent of Mondona Rafizadeh, and counsel for the United Rafizadeh Family Limited Partnership ("URF") for release of these records. The records are available for inspection today, August 29, 2007, at 11:00 a.m., and Hughes will escort counsel for the Trustee to the 21st Floor for the inspection.

4. Two issues remain unresolved: (i) who will pay the cost of removing these records; and (ii) the amount owing as a storage fee or rent by the Trustee, on behalf of the Debtors, for the unauthorized storage of these records. Main & Marietta has submitted a bill to the Trustee in the amount of $9,500 for storage space rent at $500 per month from February 1, 2006 through August 31, 2007. The Trustee has not made any offer whatsoever to pay any kind of storage fee, hoping perhaps that this Court will simply order inspection without addressing this issue.

5. Main & Marietta and Hughes expect the Trustee to pay a reasonable storage fee, in good faith. If the parties cannot agree on a fee, an administrative claim will be filed pursuant to this Court's order.

Respectfully submitted,

/s/ Andrew R. Harvin

Andrew R. Harvin
Texas Bar No. 09187900; Fed. ID# 1849

DOYLE, RESTREPO, HARVIN & ROBBINS, L.L.P.
600 Travis, Suite 4700
Houston, Texas 77002
Telephone: (713) 228-5100
Facsimile: (713) 228-6138

Stephen H. Kupperman, 7890
BARRASSO USDIN KUPPERMAN FREEMAN & SARVER, L.L.C.
909 Poydras Street, Suite 1800
New Orleans, Louisiana 70112
Telephone: (504) 589-9700
Facsimile: (504) 589-9701

Attorneys for Rodrick Hughes and Main & Marietta, L.P.

OF COUNSEL:

Peter B. Wells
Texas Bar No. 24051505; Fed. ID# 608099
DOYLE, RESTREPO, HARVIN & ROBBINS, L.L.P.
600 Travis, Suite 4700
Houston, Texas 77002
Telephone: (713) 228-5100
Facsimile: (713) 228-6138

CERTIFICATE OF SERVICE

I hereby certified that a true and correct copy of the foregoing was served by electronic mail, facsimile, or United States first-class mail, with postage prepaid thereon, on August 29, 2007 to the following counsel of record and the parties on the attached service list.

Nan Roberts Eitel
Jones Walker
2600 Virginia Ave., NW, Suite 1113
Washington, DC 20037
Fax: (202) 944-1109
Counsel for ORIX Capital Markets LLC

Randall A. Rio
Munsch, Hardt Kopf & Harr, P.C.
700 Louisiana, Suite 4600
Houston, TX 77002
Fax: (713) 222-1475
Counsel for ORIX Capital Markets LLC

Robert Patrick Vance
Jones Walker Waechter, et al
201 St. Charles Ave., 49th Floor
New Orleans, LA 70170
Fax: (504) 582-8011
Counsel for ORIX Capital Markets LLC

Hugh Massey Ray, III
Edward L. Rothberg
Weycer Kaplan Pulaski & Zuber PC
11 Greenway Plaza, Suite 1400
Houston, TX 77046
Fax: (713) 961-5341
Counsel for Mondona Rafizadeh

Thomas Andrew Woolley, III
Porter & Hedges LLP
1000 Main, 36th Floor
Houston, TX 77002
Fax: (713) 226-6284
Counsel for Schumann Rafizadeh

Kyung S. Lee
Jason M. Rudd
Diamond McCarthy et al
909 Fannin, Suite 1500
Houston, TX 77002
Fax: (713) 333-5195
Counsel for Rodney D. Tow

Jon P. Bohn
Bohn & Ducloux, Attorneys at Law
806 Main Street, Suite 1411
Houston, Texas 77002
Counsel for BG Real Estate Services

/s/ Andrew R. Harvin
Andrew R. Harvin

Service List

COOBGP, LLC c/o Frederick J. Simon 75 East Wilson Bridge Road Worthington, Ohio 43085	Azita Management, Inc c/o Azita Berglund 806 Main Street, Suite 1602 Houston, Texas 77002
Super Future Equities, Inc. c/o National Registered Agents, Inc. of Nevada 1000 East William Street, Suite 204 Carson City, Nevada 89701	

Harvin, Andy

From: Harvin, Andy
Sent: Tuesday, August 21, 2007 3:22 PM
To: 'Joe Hill'; 'hray@wkpz.com'; jhiggins@porterhedges.com
Cc: Stephen Kupperman (skupperman@barrassousdin.com)
Subject: RE: Cyrus II, L.P.(Case No. 05-39857); Bahar Development, Inc. (Case No. 05-39858; Mondona Rafizadeh (Case No. 05-39859) Jointly administered under 05-39857, Bankruptcy Court for the Southern District of Texas, Houston Division

Joe, it is my understanding that there are at least a dozen boxes of materials and some file cabinets located on the 22nd floor of 806 Main, which otherwise is vacant, unairconditioned and full of trash. My client, Rodrick Hughes, does not know whose materials these are and he advises that they have been stored there by someone without authorization or payment for the storage space. We have several concerns which probably warrant the court's intervention:

1. Building management and Hughes do not know if these materials belong to the debtors.
2. Main & Marietta, LP is entitled to be compensated for storage of the materials, if they belong to the debtors. We have printed a bill for $9500, which will be sent to you, for storage rent.
3. Our clients need a release from liability in the event of injury to anyone who inspects the materials on the 22nd floor since the space is otherwise full of debris and not ordinarily accessible by visitors, or pay for the moving of the materials and cabinets to and from your office or another location for inspection.

We welcome any proposals you'd make as to addressing these concerns, but we're also prepared to address them to the court for the protection of our clients. Andy Harvin

---

From: Joe Hill [mailto:joehill@cagehill.com]
Sent: Monday, August 20, 2007 4:47 PM
To: Harvin, Andy
Subject: Re: Cyrus II, L.P.(Case No. 05-39857); Bahar Development, Inc. (Case No. 05-39858; Mondona Rafizadeh (Case No. 05-39859) Jointly administered under 05-39857, Bankruptcy Court for the Southern District of Texas, Houston Division

As you know, my firm represents Rodney Tow, bankruptcy trustee for the above referenced estates. You have previously had a conversation with Tim Wentworth of my office regarding the turnover of estate records to Rodney Tow, Trustee. It is my understanding that the records in question are located at 806 Main, Houston, Texas under the custody and control of your client, Roderick Hughes. I would like to make arrangements to review the records as soon as possible. I will follow up with you by telephone.

The Trustee has given me instructions to file a motion for turnover if we are unable to immediately review the records. Hopefully, such action will not be necessary. Thank you for your cooperation in advising your client to allow access to the Trustee's attorneys. Please advise me how you would like us to make arrangements for a convenient date and time.

Joseph M. Hill
Cage, Hill & Niehaus, L.L.P.
5851 San Felipe, Suite 950
Houston, TX 77057
Office: 713-789-0500, ext 111
Direct: 713-789-5356
Fax: 713-974-0344
Email: joehill@cagehill.com

EXHIBIT "A"